IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 21ST MARCH 2007 / 30TH PHALGUNA 1928

WP(C).No. 7984 of 2007(A)

CRIME NO.46/2007 OF KADUTHURUTHY POLICE STATION

PETITIONER:

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1. RENJITH G.DHARAN, S/O GANGADHARAN,
   "PARVATHY HOUSE", MANIKKAL NELLANAD,
   THIRUVANANTHAPURAM DISTRICT.

2. RAJAMMA, W/O GANGADHARAN,
   DO. DO.

BY ADV. SRI.SAJU.S.A

RESPONDENTS:

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1. S.I. OF POLICE,
   KADUTHURUTHY POLICE STATION,
   REPRESENTED BY THE PUBLIC PROSECUTOR,
   HIGH COURT OF KERALA, ERNAKULAM.

2. ANILA, D/O.RAMACHANDRAN NAIR,
   "ASWATHY BHAVAN", NEAR N.S.S. HIGH SCHOOL,
   KADUTHURUTHY, KOTTAYAM DISTRICT.

BY GOVERNMENT PLEADER SRI.GIKKU JACOB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WPC NO.7984 OF 2007

PETITIONER'S EXHIBITS:

EXT.P1:- TRUE COPY OF F.I.R IN CRIME NO.46/2007 DATED 08/02/2007 OF KADUTHURUTHY POLICE

[TRUE COPY]

R.BASANT, J.

W.P.C.No.7984 of 2007

Dated this the 21st day of March 2007

JUDGMENT

The petitioners are the husband and the mother-in-law of the second respondent. On a complaint filed by the second respondent, a crime has been registered interalia under Sections 498A and 342 read with 34 I.P.C. The petitioner has rushed to this court with the grievance that Kaduthuruthy Police Station where the crime is registered has no territorial jurisdiction and that going by the allegations in the F.I.R, only the Venjaramoodu police has the jurisdiction to investigate into the complaint.

2. Notice was given to the learned Public Prosecutor. The learned Public Prosecutor, on instructions, submits that after marriage, the second respondent was residing with the petitioners at her matrimonial home in Venjaramoodu. The alleged physical acts of torture had allegedly taken place there. But, however, the learned Public Prosecutor submits that the investigation has revealed that part of the cause of action had arisen within the jurisdiction of the Kaduthuruthy police station

also and in these circumstances, the Kaduthuruthy police has territorial jurisdiction to investigate into the matter. The demand for payment of money to secure which harassment allegedly proceeded from the petitioners culminated in payment being made within the jurisdiction of Kaduthuruthy police, it is alleged.

3. I must alertly remind myself of the nature and quality of the jurisdiction which is sought to be invoked. Such jurisdiction cannot be invoked as a matter of course. Has justice failed? This is the crucial question to be considered. In the nature of the facts and circumstances of this case, I am of the opinion that it cannot be concluded that any directions deserve to be issued under Section 482 Cr.P.C and Article 226 of the Constitution, as claimed.

4. This writ petition is in these circumstances dismissed.

(R.BASANT, JUDGE)

jsr

// True Copy//

PA to Judge

R.BASANT, J

C.R.R.P.No.

ORDER

21ST DAY OF JULY 2006